



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,457	08/29/2001	Jin-Oh Kwag	6192.0218.AA	5066

7590 05/18/2004

McGuireWoods LLP
1750 Tysons Blvd
Suite 1800
McLean, VA 22102

EXAMINER

RICHARDS, N DREW

ART UNIT	PAPER NUMBER
----------	--------------

2815

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/940,457

Applicant(s)

KWAG ET AL

Examiner

N. Drew Richards

Art Unit

2815

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 5 and 6.

Claim(s) objected to: _____

Claim(s) rejected: 1-4, 7-9.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet


BRADLEY BAUMEISTER
PRIMARY EXAMINER

Continuation of 2. NOTE: The proposed amendment to claim 1 includes a newly added limitation that the domain-defining member divides the pixel area into a plurality of domains. The proposed amendment to claim 8 includes a newly added limitation that a first distance between the first part of the pixel electrode and the insulating substrate is greater than a second distance between the second part of the pixel electrode and the insulating substrate. These newly added limitations require further search and consideration.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant has argued that the limitation of claim 9 (added to claim 1 in the proposed amendment) is not taught by Kim et al. Applicant argues that electrode 24 of Kim et al. corresponds to the claimed domain-defining member and not the claimed shading film. This is not persuasive as electrode 24 of Kim et al. has the claimed structure of the shading film and the claim contains no language that precludes the shading film also functioning as a part of the domain-defining member. Thus, the electrode 24 can be properly considered the shading film since it meets all the structural limitations of the shading film as claimed. Applicant also argues that there is no explicit or implied teaching from Kim et al. that the electrode 24 is utilized for covering textures. Though not explicitly stated, the structure shown in figure 3 clearly shows electrode 24 covering a texture around portions of the domain-defining member. Kim et al. may not explicitly recognize the electrode 24 covering a texture, but their structure shows the claimed structure and thus reads on the shading film as claimed.

Continuation of 10. Other: The Examiner notes that a certified copy of the foreign priority document has been received. The document was received 2/24/04 and has been made of record in the present application.